

_____ First Published in the Derby Reporter on June 13, 2003

RESOLUTION NO. 03-303

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING SILVER HOLLOW/BRUSH CREEK FROM THE EAST LINE OF LOT 106, BLOCK 4 TO THE SOUTH LINE OF LOT 134, BLOCK 4; SILVER HOLLOW COURT FROM THE SOUTH LINE OF SILVER HOLLOW TO AND INCLUDING THE CUL-DE-SAC SERVING LOTS 107 THROUGH 118, BLOCK 4; AND BRUSH CREEK CIRCLE FROM THE SOUTH LINE OF BRUSH CREEK TO AND INCLUDING THE CUL-DE-SAC SERVING LOTS 119 THROUGH 130, BLOCK 4, (NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER) 472-83788, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING SILVER HOLLOW/BRUSH CREEK FROM THE EAST LINE OF LOT 106, BLOCK 4 TO THE SOUTH LINE OF LOT 134, BLOCK 4; SILVER HOLLOW COURT FROM THE SOUTH LINE OF SILVER HOLLOW TO AND INCLUDING THE CUL-DE-SAC SERVING LOTS 107 THROUGH 118, BLOCK 4; AND BRUSH CREEK CIRCLE FROM THE SOUTH LINE OF BRUSH CREEK TO AND INCLUDING THE CUL-DE-SAC SERVING LOTS 119 THROUGH 130, BLOCK 4, (NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER) 472-83788, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve Silver Hollow/Brush Creek from the east line of Lot 106, Block 4 to the south line of Lot 134, Block 4; Silver Hollow Court from the south line of Silver Hollow to and including the cul-de-sac serving Lots 107 through 118, Block 4; and Brush Creek Circle from the south line of Brush Creek to and including the cul-de-sac serving Lots 119 through 130, Block 4, (north of 29th Street North, between Maize and Tyler) 472-83788.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Fifty-Eight Thousand Dollars (\$258,000.00)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **June 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FOX RIDGE ADDITION

Lots 107 through 133, Block 4;
Lots 12 through 17, Block 5;

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lots 107 through 133, Block 4; and Lots 12 through 17, Block 5; within Fox Ridge Addition shall each pay 1/33 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas June 10, 2003.

CARLOS MAYANS, MAYOR

ATTEST:

PAT GRAVES, CITY CLERK

(SEAL)